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January 30, 2003 LB 19, 122

SENATOR CUDABACK: Thank you, Senator Schrock. The question before the body is, should LB 122 advance to E & R Initial? All in favor of that motion vote aye, opposed nay. We are voting on the advancement of LB 122 to E & R Initial. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 35 ayes, 1 nay, Mr. President, on the advancement of LB 122.

SENATOR CUDABACK: LB 122 does advance. Mr. Clerk, next agenda item.

CLERK: Mr. President, LB 19, offered by Senator Brashear. (Read title.) The bill was introduced on January 9 of this year, referred to the Judiciary Committee, advanced to General File. At this time, I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Senator Brashear, you're recognized to open on LB 19.

SENATOR BRASHEAR: Mr. President, thank you. Members of the body, LB 19 seeks to amend the provisions of Nebraska law relating to civil procedure, specifically the rules regarding the testimony of witnesses. Unless it is relevant to a case, a testifying witness in civil litigation is not required to answer questions if the testimony sought will expose the witness to criminal liability or public ignominy. Now, I had to look that up; that's humiliation or disgrace. Section 25-1210 provides that the court will not compel the witness to respond in such situations. This rule of evidence is in existence to protect the witness's constitutional rights, and to uphold the dignity of court proceedings. However, an exception does exist to allow for questioning about a witness's past criminal conduct. An attorney may question a witness about his or her criminal conduct if such questioning is meant to impeach the credibility of the witness. For a party to use the witness's criminal history to impeach, the criminal history in question must have been a felony or a crime involving dishonesty or false imprisonment. The impeachment exception was originally codified